

REMARKS**A. Response to Restriction Requirement**

In the Action, the Examiner has requested that all of claims 1-53 in the application be restricted to one of the following species:

- (a) wherein fluid is injected; and
- (b) wherein gas is injected.

First, we respectfully submit that the restriction requirement is incorrect and request that it be reconsidered. A restriction between “fluid” injection and “gas” injection is not appropriate in this case. In accordance with the description of the invention as described in the specification, the term “fluid” refers to either a liquid or a gas.

For example, in Paragraph [025], lines 11-13, the specification states as follows:

“The fluid most commonly used for the initial pressurization is compressed air, however, it is contemplated that **other fluids, for example compressed nitrogen gas or water,** may be preferred for particular molding applications.”

In addition, in Paragraph [030], lines 9-13, it is stated:

“The various possible fluid injection schemes are available for different mold and plastic characteristics and considerable variation on the presently disclosed processes is possible without departing from the scope of the present invention. **For instance, any of the fluid injection could be undertaken with either a gas or a liquid, for instance water.**”

Thus, requiring a restriction between (1) “fluid injection” where the fluid is defined as either a liquid or a gas, and (2) “gas injection” is not believed appropriate.

However, if the Examiner desires to continue with the restriction requirement, then the Applicant suggests that the claims presently pending in the case, namely claims 1-53, can be divided into these two species as follows:

(a) Claims which refer to “fluid”:

Claims 1-12, 23-27, 28-32, 33, and 34-39;

(b) Claims which refer to “gas”:

Claims 13-16, 17-22, 40-47 and 48-53.

The two groups correspond to the two species/groups set forth in the Action.

In the response to the Examiner’s request for election of one species to examine at this time, the Applicant hereby elects the claims of group (b), namely claims 13-16, 17-22, 40-47 and 48-53.

This election is being made with traverse since it is believed that all of the claims can be and should be examined together.

B. Suggested Alternate Division of Claims

Finally, in view of the foregoing, perhaps the Examiner is seeking a restriction between a process where the injection fluid is a non-compressible liquid fluid, such as water, and a process where the injection fluid is a compressible gas fluid, such as nitrogen or air. If so, then the Applicant suggest that the claims should be divided as follows:

Claims Directed To A Fluid Which Is A Non-Compressible Liquid, Such As Water	Claims Directed To A Fluid Which Is Compressible, Such As A Gas (Nitrogen or Air)
1-12	1-12
23-27	13-16
28-32	17-22
33	23-26
34-39	28-31
	33
	34-38
	40-53

If this is the final restriction requirement by the Patent Office, then the Applicant will select the claims directed to a fluid which is compressible, such as a gas (Nitrogen or Air). The identity of claims is set forth above.

C. Previous Proceedings – Terminal Disclaimer

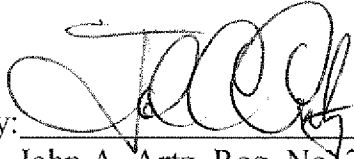
The Examiner is also directed to the Terminal Disclaimer that was filed with the September 17, 2007, Amendment. Before the present application lapsed and was reinstated, claims 1-22 and 33-39 were only rejected on grounds of nonstatutory obviousness-type double patenting as being unpatentable over the claims of commonly-owned U.S. Patent No. 6,716,387.

The Terminal Disclaimer overcame that rejection and thus those claims should be allowed.

D. Previous Proceedings – Allowance of Claims

Further, the Examiner is reminded that claims 23-32 were allowed earlier as filed in the original application. The allowance of those claims at this time is requested here also.

Respectfully submitted,

By: 

John A. Artz, Reg. No. 25,824
Dickinson Wright PLLC
38525 Woodward Avenue, Suite 2000
Bloomfield Hills, MI 48304-5092
(248) 433-7200 (Telephone)
(248) 433-7274 (Facsimile)

Dated: March 25, 2009